

staff report

DATE: April 22, 2014

TO: Mark Scott, City Manager

FROM: Joy R. Forbes, Community Development Director
VIA: Ruth Davidson-Guerra, Assistant Community Development Director
BY: Ross Young, Real Estate and Project Manager

SUBJECT: VACATION OF PUBLIC SERVICE EASEMENTS AT 549 SOUTH SAN FERNANDO BOULEVARD (V-408) (APPLICANT: DAMON SMITH – DCI ENGINEERS) AND FINDING OF CATEGORICAL EXEMPTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION

Adopt A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE VACATION OF 1) A 20-FOOT WIDE PUBLIC SERVICE EASEMENT TO THE REAR OF LOTS 1 THROUGH 6 OF TRACT NO. 4784; 2) A PORTION OF A 7.5-FOOT WIDE PUBLIC SERVICE EASEMENT TO THE REAR OF LOTS 7 AND 8 OF TRACT NO. 4784; AND 3) A 20-FOOT WIDE PUBLIC SERVICE EASEMENT TO THE REAR OF LOT 1 IN BLOCK 57 (549 S. SAN FERNANDO BOULEVARD) (V-408) (Exhibit A).

BACKGROUND

The applicant, Damon Smith of DCI Engineers (Applicant), is requesting the vacation of public service easements located at 549 S. San Fernando Boulevard (Exhibit B). The purpose of the application is to facilitate the vacation of these public service easements for the development of a 130,450 square foot, five-story hotel with 170 rooms (Exhibit C).

On September 3, 2013, the Planning Board adopted a Resolution approving a Development Review and a Variance for the project (Project No. 13-0002275). The vacation of the easements is a condition of approval for the development. On March 18, 2014, the City Council set the date of this public hearing.

DISCUSSION

All appropriate City Departments and outside utility companies and agencies have reviewed the proposed vacation, including AT&T California, Charter Communications, The Gas Company, Los Angeles County Department of Public Works, and the Metropolitan Water District. The proposed vacation is conditioned in accordance with their responses (Exhibit D). The comments received generally related to the relocation of existing utilities and the establishment of new easements for those services. There are currently electrical, communication, and cable facilities on overhead lines and a subsurface sewer line, all of which require relocation.

The City does not have a fee interest in any of the area to be vacated. The underlying fee ownership falls to the adjacent property owners, which in this case is 549 San Fernando SPE LLC, an affiliate of the developer, R.D. Olson Development. Therefore, the City is not entitled to any compensation for the underlying fee.

In accordance with the Burbank Municipal Code, notice of vacation proceedings was mailed to property owners within a radius of 1,000 feet of the exterior boundaries of the proposed vacation area at least 10 days prior to the action by the City Council. Also, in accordance with Section 8322 and 8323 of the California Streets and Highways Code, notice of the hearing was: 1) published in a newspaper circulating in the community; and 2) posted at least two weeks before the hearing (at least three notices not more than 300 feet apart). The published notice appeared in the Burbank Leader on April 5, 2014 and April 9, 2014. Because the subject vacation is required for an already-approved project, and the vacation will impact the property owner only, no additional noticing was performed.

The proposed project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301(b) related to existing public utility facilities used to provide electric power, natural gas, sewerage, or other public utility services and Section 15332 regarding projects characterized as in-fill development.

FISCAL IMPACT

The approval of the proposed vacation will have no fiscal impact to the General Fund; however, advertising costs of approximately \$200 were incurred for newspaper publication of the public hearing notice. Additionally, mailing costs of approximately \$100 were also expended for notification to all property owners proximate to the area to be vacated. These public noticing costs are recovered from the \$3,600 vacation application fee that was paid when the application was submitted.

CONCLUSION

The Applicant is requesting the vacation of public service easements for the development of a 130,450 square foot, five-story hotel with 170 rooms. The Planning Board previously adopted a Resolution approving a Development Review and a Variance for the project (Project No. 13-0002275). The vacation of the easements is a condition of approval for the development. Demolition of the existing onsite buildings has been completed and they have begun excavation in preparation for the structural foundation.

EXHIBITS

- Exhibit A: Resolution
- Exhibit B: Map of Area to be Vacated
- Exhibit C: Overlay of Proposed Vacation
- Exhibit D: Vacation Comments